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CHICAGO, ILLINOIS

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FILE

November 12, 1992

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Federal Communications Commission
Office of the Secretary

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Stop Code 1170
Room No. 222
Washington, D.C. 20554

Re: FM Rule Making
DKT 92-196
RM-8041
Tallassee and Tuskegee, AL

Dear Ms. Searcy:

On behalf of Tiger Broadcasting Company, Inc, there is transmitted herewith, an original and four (4) copies of its Comments in support of the Notice of Proposed Rule Making in the above-referenced Docket proceeding released September 21, 1992.

Should any questions arise, please contact the undersigned.

Sincerely,



M. Scott Johnson

MSJ/df
Enclosure

No. of Copies rec'd 2 + 4
List A B C D E

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	MM Docket No. 92-196
)	
Amendment of Section 73.202(b))	RM- 8041
Table of Allotments)	
FM Broadcast Stations)	
(Tallassee and Tuskegee, Alabama))	

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To: Chief, Allocations Branch

NOV 12 1992

Federal Communications Commission
Office of the Secretary

C O M M E N T S

Tiger Broadcasting Company, Inc. ("Tiger"), by its attorneys hereby files its Comments in support of the Notice of Proposed Rule Making ("Notice") released September 21, 1992 in Docket 92-196, RM-8041. The Notice reflects a proposal initiated by Tiger in its Petition for Rule Making filed June 16, 1992.^{1/} In support thereof, the following is stated:

The Notice proposes a change in the FM Table of Allotment, § 73.202(b) of the Commission's rules, to change the community of licensee of Channel 260A from Tuskegee, Alabama to Tallassee, Alabama, and to modify the license of Station WACQ-FM accordingly.^{2/} The proposal would amend the FM Table of Allotments with respect to the communities as follows:

City	Present	Channel No.	Proposed
Tallassee, AL	-		260A
Tuskegee, AL	240A, 260A		240A

^{1/} Tiger respectfully requests that such Petition be incorporated herein by reference.

^{2/} Tiger is the permittee of WACQ-FM.

The proposed allotment of Channel 260A to Tallassee would constitute a first FM allotment and first full-time local aural service.^{3/} In addition, removal of Channel 260A from Tuskegee, will not deprive that community of its only aural origination service. Besides Station WACQ(FM), full-time Station WBIL-FM and Station WBIL(AM) are licensed to Tuskegee, and have long been serving the needs of Tuskegee. Furthermore, Tuskegee will still be served by numerous area stations, including WACQ-FM, which will continue to provide service. As indicated in the Notice, Tiger does not plan a relocation from its presently approved transmitter site.

Tallassee is an incorporated community which is recognized by the 1990 U.S. Census as having a population of 5,112 people. It is a growing community having experienced a 7.3% increase since the 1980 U.S. Census statistics. Tallassee also is a significant community with a local government, a hospital, public services, varied businesses, a newspaper, banks, churches, and other attributes. Additional details were set forth in Tiger's June 16, 1992 Petition. Tallassee is obviously in need of a "first" local FM station and full-time local service. ^{4/}

^{3/} No technical impediments are present. Both Tiger's and the Commission's engineering studies revealed that Channel 260A can be allotted to Tallassee in conformity with the minimum distance separation requirements of §73.202(b)(1) of the Commission's Rules.

^{4/} In contrast, Tuskegee's population declined since the 1980 Census. The proposed change of allotment from a well-served community with a declining population to a growing community without full-time local aural service will result in a better overall arrangement of allotments.

As the decisions cited in Tiger's Petition reflect, the proposal satisfies all the requirements of the Commission's new rules and policies governing such changes. Amendment of Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd. 4870 (1989) recon. granted in part, 5 FCC Rcd. 7094 (1990) ("Reconsideration Order").^{5/} Likewise, such an allotment is consistent with the Commission's allotment policy which has long recognized the importance of providing a community such as Tallassee with its first local FM service and its first local full-time aural service. (See page 4 of June 18, 1992 Petition and cases cited therein).

Conclusion

Tiger confirms its continuing interest in the proposed allotment, and its commitment upon allocation of Channel 260A to Tallassee, to file the necessary modification application and, upon grant, to operate Station WACQ-FM on Channel 260A at Tallassee.^{6/}

^{5/} There is also no shift of service from a rural to an urbanized area. Reconsideration Order, 5 FCC Rcd. at 7095.

^{6/} It is appropriate for the WACQ-FM license to be modified. As the Notice points out in ¶4, under the circumstances present here, §1.420(i) does not require an opportunity for competing expressions of interest or demonstration of other equivalent FM channels.

WHEREFORE, for the foregoing reasons, Tiger respectfully requests that the Commission adopt the Notice, and modify the facilities of Station WACQ-FM accordingly.

Respectfully submitted,

TIGER BROADCASTING COMPANY, INC.

By: 
M. Scott Johnson

Its Attorney

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November 12, 1992

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CERTIFICATE OF SERVICE

I, Donna B. Fleming, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 12th day of November, 1992, caused to be hand-delivered, a copy of the foregoing **Comments** to the following:

Michael C. Ruger
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 8318
Washington, D.C. 20554

Nancy Joyner
Allocations Branch
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Donna B. Fleming